

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

UNITED STATES OF AMERICA

VS.

KELLY DEBRAY WALLACE,
Supervised Releasee

NO. 5: 06-CR-119 (WDO)

RE: VIOLATION OF SUPERVISED RELEASE

ORDER

KELLY DEBRAY WALLACE, a **SUPERVISED RELEASEE** in the above-styled criminal proceeding, this day appeared before the undersigned for an INITIAL APPEARANCE HEARING under provisions of Rule 32.1 of the Federal Rules of Criminal Procedure, represented by Mr. Charles E. Cox, Jr. of the Macon Bar. The government was represented by Assistant U. S. Attorney Paul C. McCommon, III. The **SUPERVISED RELEASEE** was advised of the nature of the proceedings against him and of his legal and constitutional rights. With the assistance of legal counsel, he **WAIVED** a preliminary hearing under Rule 32.1(b)(1) of the *Rules* and agreed that a **FINAL** hearing could be scheduled under Rule 32.1(b)(2).

Upon consideration of the provisions of 18 U.S.C. §3143(a), the court finds that release from custody at this time is inappropriate in this case. It is alleged in the PETITION FOR ACTION ON SUPERVISED RELEASE, *inter alia*, that the **SUPERVISED RELEASEE** violated conditions of supervision by testing positive for cocaine on or about February 2nd, May 30th, and October 5th, 2007, and that he failed to participate in a substance abuse treatment program in violation of a special condition of supervision. Therefore, **IT IS ORDERED AND DIRECTED** that he be **DETAINED** by the United States Marshal until further order of the court.

While held in custody, said **SUPERVISED RELEASEE** shall be afforded reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility wherein he is confined shall deliver him to the United States Marshal for the purpose of an appearance in connection with this court proceeding. Said **SUPERVISED RELEASEE** shall appear before the Honorable Hugh Lawson district judge, for a FINAL HEARING as directed by Judge Lawson. The Clerk of Court is directed to forward this order and the within file to Judge Lawson for the scheduling of said FINAL HEARING at the earliest possible time.

SO ORDERED AND DIRECTED, this 15th day of OCTOBER, 2007.



A handwritten signature in blue ink, reading "Claude W. Hicks, Jr." The signature is stylized with a large, looped initial 'C' and 'H'.

CLAUDE W. HICKS, JR.
UNITED STATES MAGISTRATE JUDGE